

Applicants respectfully traverse the restriction requirement as it applies to Groups I-VI. As the Examiner points out, polynucleotides, polypeptides, and methods of using the same are patentably distinct inventions. However, even where two patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of both groups would entail a "serious burden" (*see* MPEP § 803). In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine Groups I-VI together.

Applicants submit that a search of the polynucleotide claims would provide useful information for the polypeptides and methods of using the same. This is because the evolution of one is tied to the existence of the other. Moreover, in many if not most publications, where a published polynucleotide is shown, the authors also include the polypeptides, and methods of using the same. Thus, the searches for polynucleotides polypeptides, methods of using would be overlapping.

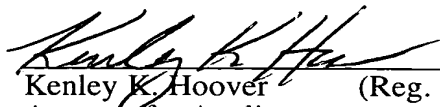
Accordingly, as applied to Groups I-VI, the restriction requirement should be withdrawn.

It is believed that the application is in condition for allowance. Early notice to that effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution, the undersigned respectfully requests that he be contacted.

Finally, if there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: January 13, 1999


Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 610-5771 (phone)

KKH/ur